

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82919 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- Excise P.S. District- Madhubani

1. Md. Minhaz Son Of Md. Israil R/O Village- Gorgama, P.S.- Phulparas, Dist.- Madhubani
2. Prabhu Kumar Son Of Bhaylal Mandal R/O Village- Gorgama, P.S.- Phulparas, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-01-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners seek bail in connection with G.O. Case No. 596 of 2023 and Jhanjharpur Excise P.S. Case No. 99 of 2023 dated 10.10.2023 registered for the offences punishable under Sections 30(a), 32(i) and 33(3) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution, 225 litres Nepali liquor was recovered from a tempo in question and the petitioners were apprehended on the spot.

4. Learned counsel for the petitioners submits that petitioners are not the owner of the said tempo in question rather



the said tempo belongs to father of the petitioner no. 1. Petitioners have no knowledge regarding the alleged liquor that has been kept in the tempo in question. Petitioners are quite innocent and have committed no offence as alleged against them in F.I.R. and they have falsely been implicated in the present case. Petitioners are in custody since 10.10.2023 and bear no criminal antecedent. He further submits that no incriminating article has been recovered from conscious possession of the petitioners.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Excise Special Judge, Jhanjharpur, Madhubani in connection with G.O. Case No. 596 of 2023 and Jhanjharpur Excise P.S. Case No. 99 of 2023, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

